

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01332-CKK**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Colleen Kollar-Kotelly

Cause: 05:552 Freedom of Information Act

Date Filed: 06/05/2018

Date Terminated: 11/05/2019

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **James F. Peterson**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
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Email: jpeterson@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Brian J. Field**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 06/05/2018 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5518382) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons US Attorney for the District of Columbia, # <u>3</u> Summons US Attorney General, # <u>4</u> Summons US Department of Justice)(Peterson, James) (Entered: 06/05/2018) |
| 06/05/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Peterson, James) (Entered: 06/05/2018) |
| 06/05/2018 | | Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 06/06/2018) |
| 06/06/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 06/06/2018) |
| 06/06/2018 | <u>4</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 06/06/2018. (DM) (Entered: 06/06/2018) |
| 06/26/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/18/2018. (Answer due for ALL FEDERAL DEFENDANTS by 7/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/18/2018., |

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| | | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 6/18/2018 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Peterson, James) (Entered: 06/26/2018) |
| 07/20/2018 | <u>6</u> | NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 07/20/2018) |
| 07/20/2018 | <u>7</u> | Unopposed MOTION for Extension of Time to File Answer <i>Nunc Pro Tunc</i> by U.S. DEPARTMENT OF JUSTICE (Field, Brian) (Entered: 07/20/2018) |
| 07/20/2018 | <u>8</u> | ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Field, Brian) (Entered: 07/20/2018) |
| 07/31/2018 | | MINUTE ORDER: The Court has received Defendant's <u>7</u> Unopposed Motion for <i>Nunc Pro Tunc</i> Extension of Time, which tardily seeks an extension of Defendant's deadline to respond to Plaintiff's <u>1</u> Complaint. With Plaintiff's consent, the Court GRANTS Defendant's <u>7</u> Motion, for good cause shown. In light of this <i>nunc pro tunc</i> extension, Defendant's Answer was due by July 20, 2018. Defendant complied by submitting its <u>8</u> Answer on July 20, 2018. Signed by Judge Colleen Kollar-Kotelly on July 31, 2018. (lcckk1) (Entered: 07/31/2018) |
| 07/31/2018 | <u>9</u> | ORDER. The parties shall file the schedule not later than AUGUST 30, 2018 . Signed by Judge Colleen Kollar-Kotelly on July 31, 2018. (lcckk1) (Entered: 07/31/2018) |
| 07/31/2018 | | Set/Reset Deadlines: The parties shall file the schedule by 8/30/2018. (dot) (Entered: 07/31/2018) |
| 08/23/2018 | <u>10</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Field, Brian) (Entered: 08/23/2018) |
| 08/30/2018 | | MINUTE ORDER: The Court has received the parties' <u>10</u> Joint Status Report. The parties seek to "bifurcate" processing between documents over which Defendant asserts Exemption 7(A) withholding and other documents. However, it is unclear to the Court whether Defendant intends to process these other documents during the pendency of Exemption 7(A) processing. The parties cite cases in this jurisdiction in which similar requests to bifurcate were granted only upon setting a schedule for summary judgment briefing. At this time, the Court is disinclined to permit bifurcation that may eventually result in two rounds of summary judgment briefing, at least absent a further showing that it is not feasible to process both sets of documents at once. The parties shall submit a further Joint Status Report by SEPTEMBER 6, 2018 , identifying the parties' intended timeline for production of documents over which Defendant does not assert Exemption 7(A) withholding. Signed by Judge Colleen Kollar-Kotelly on August 30, 2018. (lcckk1) (Entered: 08/30/2018) |
| 08/30/2018 | | Set/Reset Deadlines: Joint Status Report due by 9/6/2018, identifying the parties' intended timeline for production of documents over which Defendant does not assert Exemption 7(A) withholding. (dot) (Entered: 09/04/2018) |
| 09/06/2018 | <u>11</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Field, Brian) (Entered: 09/06/2018) |
| 09/13/2018 | | MINUTE ORDER: The Court has received the parties' <u>11</u> Joint Status Report, pursuant to the Court's Minute Order of August 30, 2018. The Court understands that the parties intend for the Federal Bureau of Investigation ("FBI") to process documents to which Exemption 7(A) purportedly may apply. The FBI would do so separately from, but concurrently with, the FBI's processing of documents over which the FBI does not assert Exemption 7(A) withholding. If disputes remain upon the conclusion of the FBI's processing of both sets of documents, the parties then would seek a single round of summary judgment briefing applicable to both sets. If the Court were to rule in favor of Plaintiff as to any Exemption 7(A) withholdings, then the FBI would have the opportunity to process those documents with respect to any other exemptions and to brief any remaining issues accordingly. The Court approves of the parties' proposed approach. Consequently, the Court adopts the parties' proposal that the FBI complete its processing of all documents at issue in Plaintiff's FOIA request by JULY 31, 2019 . The parties shall file a further Joint Status Report by NOVEMBER 30, 2018 , updating the Court regarding the status of that processing. The parties shall file a further Joint Status Report every 90 days thereafter until the FBI completes its processing, unless |

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| | | and until the Court orders otherwise. Within 21 days of the date on which the FBI completes its processing , the parties shall file a further Joint Status Report regarding the status of proceedings in this case, including a proposed briefing schedule, if necessary.Signed by Judge Colleen Kollar-Kotelly on September 13, 2018. (lcckk1) (Entered: 09/13/2018) |
| 09/13/2018 | | Set/Reset Deadlines: Joint Status Report due by 11/30/2018, updating the Court regarding the status of that processing. (dot) (Entered: 09/13/2018) |
| 11/30/2018 | <u>12</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Field, Brian) (Entered: 11/30/2018) |
| 02/28/2019 | <u>13</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Field, Brian) (Entered: 02/28/2019) |
| 05/29/2019 | <u>14</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Field, Brian) (Entered: 05/29/2019) |
| 05/30/2019 | | MINUTE ORDER: The Court has received the parties' <u>12</u> <u>13</u> <u>14</u> Joint Status Reports. The Federal Bureau of Investigation ("FBI") anticipates completing the production of documents to which Exemption 7(A) purportedly may apply by July 31, 2019, but the FBI implies that further production will remain thereafter. This is inconsistent with the FBI's representation in the parties' <u>11</u> Joint Status Report, where the FBI indicated that it would complete production of all documents, including those as to which it does not assert Exemption 7(A), by July 31, 2019. <i>See</i> Min. Order of Sept. 13, 2018. Nevertheless, since then, Plaintiff has not objected to the FBI's repeated representations of its timeline. Accordingly, the Court shall not disturb the FBI's stated schedule.Accordingly, the FBI shall complete its processing of documents as to which it asserts Exemption 7(A) by JULY 31, 2019 . The FBI shall continue thereafter to process documents as to which it does not assert Exemption 7(A). The parties shall file a further Joint Status Report by AUGUST 27, 2019 , updating the Court regarding the status of that processing. The parties shall file a further Joint Status Report every 90 days thereafter until the FBI completes its processing, unless and until the Court orders otherwise. Within 21 days of the date on which the FBI completes its processing , the parties shall file a further Joint Status Report regarding the status of proceedings in this case, including a proposed briefing schedule, if necessary.Signed by Judge Colleen Kollar-Kotelly on May 30, 2019. (lcckk1) (Entered: 05/30/2019) |
| 05/30/2019 | | Set/Reset Deadlines: Joint Status Report due by 8/27/2019, updating the Court regarding the status of that processing. (dot) (Entered: 05/31/2019) |
| 08/27/2019 | <u>15</u> | Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Supplement)(Peterson, James) (Entered: 08/27/2019) |
| 08/29/2019 | <u>16</u> | SCHEDULING AND PROCEDURES ORDER. In this Order, the Court makes certain assumptions; if these assumptions are incorrect, the parties should file a clarifying notice with the Court by SEPTEMBER 6, 2019 . See Order for further details. Signed by Judge Colleen Kollar-Kotelly on August 29, 2019. (lcckk1) (Entered: 08/29/2019) |
| 08/29/2019 | | Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 10/18/2019. Response to Motion for Summary Judgment due by 11/8/2019. Reply to Motion for Summary Judgment due by 12/9/2019. Plaintiff's Cross Motion due by 11/8/2019. Response to Cross Motion due by 12/9/2019. Reply to Cross Motion due by 12/23/2019. (dot) (Entered: 08/30/2019) |
| 10/18/2019 | <u>17</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Hardy Decl., # <u>4</u> Text of Proposed Order)(Field, Brian) (Entered: 10/18/2019) |
| 11/04/2019 | <u>18</u> | STIPULATION of Dismissal by JUDICIAL WATCH, INC.. (Peterson, James) (Entered: 11/04/2019) |
| 11/05/2019 | <u>19</u> | ORDER. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), it is, this 5th day of November 2019, hereby ORDERED that this case is DISMISSED. See Order for details. Signed by Judge Colleen Kollar-Kotelly on November 5, 2019. (lcckk1) (Entered: 11/05/2019) |